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REMARKS

Claims 1-24 are pending in the present application. Claims 1-20 have been allowed. Reconsideration and allowance of the claims is respectfully requested in view of the following remarks.

Claim Rejections Under 35 U.S.C. §103

Claims 21-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 5,322,746 to Wainwright et al (hereinafter "Wainwright") in view of U.S. Patent No. 5,085,955 to Cipriano (hereinafter "Cipriano").

Present independent Claim 21 is directed to an asymmetric supercapacitor comprising a positive electrode comprising a current collector and manganese dioxide; a negative electrode comprising carbonaceous active material; an aqueous electrolyte solution; and a separator plate. Claims 22-24 depend from Claim 21.

Wainwright is directed to electrochemical cells having a positive electrode having a current collector made of Al or an alloy of Al (Column 3, lines 30-31) and a material such as manganese oxides (Column 4, lines 35-36). The negative electrode is an alkali or alkaline earth metal (Column 3, line 68- Column 4, line 2). The cell contains a non-aqueous electrolyte such as "a solution of at least one appropriate salt in at least one aprotic solvent" (Column 4, lines 53-54) or a "solid ionic compound" (Column 4, lines 55-56). The cell can contain a separator (Column 7, lines 57-58). Wainwright is missing at least two elements of the present claims, namely the negative electrode comprising carbonaceous active material and the aqueous electrolyte solution.

Cipriano discloses an electrochemical cell having a cathode (i.e., the positive electrode) that comprises an electrically conductive carbonaceous material and an electrolyte comprising an electrolyte salt and a non-aqueous solvent (Abstract). Cipriano teaches a positive electrode comprising a carbonaceous material, not a negative electrode as presently claimed. Cipriano, like Wainwright, also does not teach an aqueous electrolyte as presently claimed.

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For an obviousness rejection to be proper, the Examiner must meet the burden of establishing a prima facie case of obviousness. *In re Fine*, 5 U.S.P.Q.2d 1596, 1598 (Fed. Cir. 1988). Establishing a prima facie case of obviousness requires that all elements of the invention be disclosed in the prior art. *In Re Wilson*, 165 U.S.P.Q. 494, 496 (C.C.P.A. 1970).

The present claims are directed to an electrochemical cell comprising an aqueous electrolyte solution. Both Wainwright and Cipriano are directed to electrochemical cells comprising non-aqueous electrolytes. The presently claimed electrochemical cell also comprises a negative electrode comprising a carbonaceous material which is not taught by either reference. Because the references are missing elements of the present claims, a prima facie case of obviousness has not been made.

Reconsideration and withdrawal of the rejections are requested.

It is believed that the foregoing remarks fully comply with the Office Action and that the claims herein should now be allowable to Applicants. Accordingly, reconsideration and allowance are requested.

If there are any additional charges with respect to this Amendment or otherwise, please charge them to Deposit Account No. 06-1130.

Respectfully submitted,

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